

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
July 13, 2022
In Person/Virtual Meeting

See video for further meeting details: <http://frederickcountymd.gov/5956/Video-Archives>

Members Present: Sam Tressler III, Chair; Craig Hicks, Vice-Chair; Joel Rensberger, Secretary; Carole Sepe; Terry Bowie; Robert White, Jr.; Tim Davis.

Members Absent: None

Staff Present: Mike Wilkins, Director, Development Review and Planning, Kimberly Golden Brandt, Director, Livable Frederick; Steve Horn, Division Director; Kathy Mitchell, Senior Assistant County Attorney; Mark Mishler, Traffic Engineer; Ashley Moore, Senior Planner; Graham Hubbard, Principal Planner; Tim Goodfellow, Livable Frederick Environmental Planner; John Dimitriou, Livable Frederick Planning Manager; and Karen James, Administrative Specialist.

The meeting was called to order at 9:30 a.m.

1. **PLEDGE OF ALLEGIANCE** Mr. Tressler
2. **ROLL CALL** Mr. Tressler
3. **MINUTES TO APPROVE** – April 20, 2022

Mr. Hicks moved that the Planning Commission approve the minutes as written. Mr. White, second.

VOTE	5-0-2-0
FOR:	5 - Tressler, Rensberger, Sepe, White, Hicks
AGAINST:	0
ABSTAIN:	2 – Davis, Bowie
ABSENT:	0

4. **PLANNING COMMISSION COMMENTS**

Mr. Davis called attention to the Transportation Services Advisory Council of Frederick County which advises the County on transit services and other alternative transportation resources. There are currently two openings for persons who are business owners in the County or persons that are residents at-large in the County. Ms. Sepe announced the Maryland Department of Transportation is seeking comments on the Draft State Freight Plan and State Rail Plan. This was just released and is up for a 30-day review.

5. **AGENCY COMMENTS / AGENDA BRIEFING**

Ms. Brandt briefed Planning Commission members on the day's agenda, as well as next week's. August meetings will include South Frederick Corridors Plan workshops and two evening rezoning hearings. Ms. Sepe asked about the copy of the Annual Report (long

form) received by members. Ms. Brandt said the report had been sent to the State in advance of the July 1 deadline.

6. CRESTWOOD MANOR DRRR AMENDMENT (RZ273353)

**FINDING OF
CONSISTENCY**

A petition to amend the Development Rights and Responsibilities Agreement (DRRA) for the Crestwood Manor development (formerly known as the Hogan Property) was presented to the Planning Commission for a finding of consistency with the Livable Frederick Master Plan. The purpose of the proposed amendment is to allow the Applicant to construct Moderately Priced Dwelling Units (MPDUs) on the site.

Michael Wilkins, Director, Development Review and Planning

Mr. Wilkins provided history of the property and explained the petition before the Planning Commission. Mr. Hicks asked what the term of the DRRA is and whether approving the amendment would restart the clock. Mr. Wilkins looked up the duration period and said the amendment would not restart the clock. Mr. White asked if approving the amendment would constitute a precedent, stating that he hoped it would and reasons why. Mr. Wilkins felt it would not constitute a precedent.

Mr. Hicks asked Mr. Wilkins to explain to the people in the audience what MPDUs are intended to achieve and why the County would allow payment in lieu versus actually constructing the MPDUs in the first place. Ms. Sepe said she was one hundred percent behind this but had questions on the language used. Mr. Wilkins indicated that the County reacts to DRRA language as it is submitted by the applicant. Ms. Mitchell further explained the process.

Applicant Brian Lopez introduced himself and answered questions posed by the commissioners, including what has changed and made constructing MPDUs more appealing than payment in lieu.

Public Comment: 1 in person

Decision: Mr. Rensberger moved that the Planning Commission reach a finding of consistency in the matter of Crestwood Manor DRRR Amendment RZ273353. Mr. Hicks, 2nd. Ms. Mitchell pointed out that there was another part of the decision-making in this case, related to the new language that was added and discussed in the addendum to the staff report and updated recommendation. Upon review, Mr. Rensberger withdrew his motion and asked to replace it. Mr. Rensberger moved that the Planning Commission reach a finding of consistency based on the findings and conclusions of the staff report, this addendum, and the evidence presented at this meeting. Staff finds the proposed DRRR Amendment RZ273353, which allows construction of MPDUs rather than payment in lieu, (1) will have no significant effect on the development's compliance with applicable County Code requirements and (2) is consistent with the Livable Frederick Master Plan based on the findings and conclusions of the staff report and evidence presented at this meeting. Mr. Hicks suggested one additional change to the motion, to replace the word staff with the words Planning Commission. Mr. Rensberger agreed. Mr. Hicks, 2nd.

VOTE	7-0-0-0
FOR:	7 - Tressler, Rensberger, Sepe, White, Hicks, Bowie, Davis
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

7. SITE PLAN

DECISION

- a) Stanford Lot 31 - Applicant is requesting site plan approval to construct a 12,470 SF contractor's office and storage facility on a 2.1 acre lot in Stanford Industrial Park. Located at 4851 Winchester Blvd. Tax Map 94, Parcel 89. Zoning: Limited Industrial (LI) Comp: Limited Industrial (LI). Adamstown Planning Region. SP89-06 SP269102 (APFO A269103, FRO F269104)
Jerry Muir, Principal Planner

Staff Presentation:

Graham Hubbard

Applicant Presentation:

Fran Zeller, Harris, Smariga and Associates
Robert Weng, Phoenix Mechanical Group

Public Comment:

None

Discussion included questions about lighting and landscaping. Mr. Hubbard suggested they could ask the applicant if they are willing to look at landscaping, swapping out some non-native for native species. Mr. Davis commented that he did not see TransIt as a referral agency. Mr. Wilkins explained that they are not a review agency; however, when dealing with a project that is along a bus route, staff coordinates with TransIt to identify any needs for bus shelters, etc.

Mr. Zeller addressed the Planning Commission about lighting height, as well as incorporating more native species into the landscaping. He talked about some of their challenges with the property and the resulting solutions.

Decision: Mr. Hicks moved that the Planning Commission approve SP269102, FRO F269104 subject to the conditions listed in the staff report for the proposed contractor's office and storage facility, based on the findings and conclusions of the staff report, and the testimony, exhibits, and documentary evidence produced at the public meeting. Mr. White, 2nd. Mr. Rensberger confirmed that the applicant agreed to look at native landscaping to a greater extent and to correct the note for outdoor lighting. There was no reference to that in the motion, as it's part of testimony and staff will capture that.

<u>VOTE</u>	<u>7-0-0-0</u>
FOR:	7 - Tressler, Rensberger, Sepe, White, Hicks, Bowie, Davis
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

Break taken at 10:27 a.m. Meeting resumed at 10:35 a.m.

8. DRAFT SUGARLOAF TREASURED LANDSCAPE MANAGEMENT PLAN

DECISION

Kimberly Golden Brandt, Director, Livable Frederick
Denis Superczynski, Planning Manager/Principal Planner, Livable Frederick
Tim Goodfellow, Livable Frederick Environmental Planner

Ms. Brandt presented a review of the process, beginning with the first workshop in September 2021, followed by eight additional workshops and the public hearing held in May 2022. A final workshop was held on June 15, 2022 and the public comment period closed on June 17, 2022. Mr. Goodfellow provided a review of workshops, suggestions, and revisions made based on decisions made by Planning Commission members. Updated maps were shared, based on those decisions. Recent revision and additions included an explanation of LFMP policies/goals at the beginning of each chapter, a narrative regarding the voluntary nature of conservation easements, clarifying text about future planning in the Urbana area and its relation to the Sugarloaf plan, and minor stylistic corrections.

Mr. White asked if further discussion was necessary prior to making a motion to vote on the plan. Mr. Hicks said he would like the opportunity for more discussion, including some of the public comment that has been received, particularly those involving ag conservation and forest management. Discussion continued among the Planning Commission members. Mr. Goodfellow responded to their questions. Ms. Sepe expressed her concerns about property values. Mr. White said that a concern over a bank's assessment of property value over applying legitimate, correct zoning designations is not a proper set of hierarchy and concerns.

Mr. Tressler addressed the commissioners stating, "This is our first implementation on Livable Frederick and it's our first large area plan. The Sugarloaf area is unique and pristine and we've tried to address it the best we could, but I think it is time to move on to get another set of eyes on this and see what comes of that."

Decision: Mr. Hicks moved that the Frederick County Planning Commission find the July 2022 Sugarloaf Treasured Landscape Management Plan consistent with the Livable Frederick Master Plan and recommend that it be adopted or approved by the Frederick County Council. Mr. White, 2nd.

<u>VOTE</u>	4-2-0-1
FOR:	4- Tressler, White, Hicks, Davis
AGAINST:	2 – Bowie, Sepe
ABSTAIN:	0
ABSENT:	1 – Rensberger (had recused)

Ms. Sepe then asked to not have her name on the plan as she is against the plan as written. Mr. Tressler asked Ms. Mitchell for comment. Ms. Mitchell said the Planning Commission needs to adopt a resolution to approve the plan. The resolution may be drafted to say that Ms. Sepe and Mr. Bowie did not vote in favor of recommending the July 2022 Plan to the County Council.

9. SOUTH FREDERICK CORRIDORS PLAN


WORKSHOP

Kimberly Golden Brandt, Director, Livable Frederick
Denis Superczynski, Livable Frederick Planning Manager
John Dimitriou, Livable Frederick Design Planner

Ms. Brandt explained what had been presented at previous workshops. The most recent workshop included a big picture overview of the plan. Mr. Dimitriou offered a refresher on early sections of the plan. Commissioners participated in discussion and posed questions to Mr. Dimitriou. Mr. Hicks expressed appreciation for the overview and points raised, including how this type of planning approach can yield benefits well beyond the planning area.

The presentation continued with explanation of the districts and subdistricts, including how they were named and how the boundaries were established. Discussion continued until 12:30 p.m. Ms. Brandt asked where they wanted to pick up the following week. There was interest in the topic "missing middle housing" leading to time being set aside for the topic to be presented by Mr. Superczynski.

Mr. Rensberger moved to adjourn. Mr. Tressler declared meeting adjourned at 12:46 p.m.



Joel Rensberger, Vice Chair

10/19/22
Date